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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 372 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH Sd/-
and
Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

COMMISSIONER OF INCOME-TAX

Versus

A'BAD MASKATI CLOTH DEALERS COOP. SHOP & WAREHOUSE SOC.LTD.

Appearance:

MR MH JOSHI FOR MR MANISH R BHATT for Applicant.

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH
and
MR.JUSTICE D.A.MEHTA

Date of decision: 16/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE D.A.MEHTA)

The following question is referred for the opinion of this Court at the instance of the revenue :

"Whether, the Appellate Tribunal is right in law and on facts in a holding that the assessee is entitled to the deduction of Rs.20,000/- in view of the provisions section 80P(2)(c)?"

2 We have heard Mr.M.H.Joshi, learned Counsel for the revenue. Though served none appears for the assessee.

3 Mr.Joshi fairly pointed out that the question referred to us stands concluded by the decision of this Court in assessee's own case by decision dated 7/11/2000 in Income Tax Reference No.260 of 1985.

4 Following the aforesaid decision, we hold that the Tribunal was right in law in holding that the assessee was entitled to deduction of Rs.20,000/- under section 80P(2)(c) of the Income Tax Act,1961. The question referred to us is therefore answered in the affirmative i.e. in favour of the assessee and against the revenue.

5 The reference stands disposed of accordingly with no order as to costs.

Sd/- Sd/-
(M.S.Shah, J) (D.A.Mehta,J)
m.m.bhatt